



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Northern Virginia Regional Office
13901 Crown Court
Woodbridge, VA 22193-1453
(703) 583-3800 fax (703) 583-3801
www.deq.state.va.us

Robert G. Burnley
Director

Jeffery A. Steers
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

SPECIAL ORDER BY CONSENT

ISSUED TO

TOWN OF HAMILTON

FOR THE

TOWN OF HAMILTON SEWAGE TREATMENT PLANT (VPDES PERMIT NO. VA0020974)

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code § 62.1-44.15(8a) and (8d) and 10.1-1185 between the State Water Control Board and the Town of Hamilton regarding the Town of Hamilton sewage treatment plant for the purpose of resolving certain violations of the State Water Control Law and Regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code § 62.1-44.7 and 10.1-1184.

3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.
6. "STP" means the Town of Hamilton sewage treatment plant located in Loudon County, Virginia.
7. "Regulations" means 9 VAC 25-31-10 *et seq.* (Virginia Pollutant Discharge Elimination System Permit Regulation) and 9 VAC 25-790-10 *et seq.* (Sewage Collection and Treatment Regulation).
8. "Permit" means the Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0020974.
9. "NVRO" means the Northern Virginia Regional Office of DEQ, located in Woodbridge, Virginia.

SECTION C: Finding of Fact and Conclusions of Law

1. The Town of Hamilton STP is a 0.16 MGD plant that is located within the corporate limits of the Town of Hamilton, Virginia and treats wastewater and sewage from the residents of the Town of Hamilton and a portion of the surrounding County. The STP discharges into an unnamed tributary of South Fork Catocin Creek, which is located within the Potomac River Basin. Discharges are the subject of VPDES Permit No. VA0020974.
2. The Board has evidence to indicate that the Town of Hamilton has violated the Regulations and the Permit by: (1) failing to submit a new application for a permit 180 days before the expiration of the existing Permit; (2) operating a ultra-violet (UV) system without a Certificate to Operate and (3) for exceeding Permit effluent limits for Total Copper. DEQ NVRO issued three warning letters (WL) and seven notices of violation (NOV) to the Town of Hamilton for the above-referenced violations as follows: WL No. W2005-03-N-1009 issued March 4, 2005; WL No. W2005-04-N-1013 issued April 13, 2005; WL No. W2005-05-N-1018 issued May 16, 2005; NOV No. W2005-06-N-0008 issued June 10, 2005; NOV No. W2005-07-N-0002 issued July 6, 2005; NOV No. W2005-08-N-0007 issued August 5, 2005; NOV No. W2005-09-N-0006 issued September 12, 2005; NOV No. W2005-10-N-0004 issued October 12, 2005; NOV No. W2005-11-N-0002 issued November 10, 2005; and NOV No. W2005-11-N-0006 issued December 12, 2005.

3. In March 2005, the Town discontinued using chlorination/dechlorination as a treatment process and changed over to a recently installed UV system. The change was noted in the April 2005 Discharge Monitoring Report (DMR), however, the Town never applied for nor received a Certificate to Operate (CTO) the system from DEQ. Consequently, DEQ issued the Town a CTO for the UV system on July 29, 2005.
4. Pursuant to the Permit, the Town's permit renewal application was due on May 29, 2005. The Town lost the first application package and requested a second package on July 7, 2005. The completed renewal application package was submitted on August 17, 2005.
5. As currently designed and operated, the STP cannot meet Permit effluent limits for Copper. On July 13, 2005, DEQ met with representatives from the Town of Hamilton to discuss the Copper compliance issues, the status of the UV system, and the non-submittal of the permit renewal application.
6. The Town contracted with the engineering firm Waste Water Management, Inc. ("WWM") to study the Copper issue and provide options to address these concerns and complete the Permit application.
7. WWM submitted the Copper Study and Control Plan ("Plan") to DEQ for approval on August 31, 2005. The Plan was approved by DEQ on September 2, 2005 and consisted of further testing to determine the source of the Copper and optimum types of treatment alternatives to reduce it.
8. Testing revealed that Copper was present in significant amounts in the distribution system, which signified corrosion from domestic piping. The Town has committed to taking two interim steps to decrease the level of Copper in the effluent. The first being an increase of the soda ash dosage to certain wells in order to increase the aggressive index of the treated water to reduce the influent Copper level. The second step being an addition of a chemical precipitant to the treatment process to further lower the Copper found in the effluent.
9. Appendix A of this Order requires the Town of Hamilton to submit a summary report detailing whether the interim measures have enabled the STP's effluent to meet Permit limits for Copper. If the measures have not brought about compliance with Permit limits then the Town shall submit a plan and schedule for a major upgrade of the STP. Appendix B of this Order is an interim effluent limit for Copper that applies until the schedule of compliance for a corrective action in Appendix A is completed.

SECTION D: Agreement and Order

Accordingly, the State Water Control Board, by virtue of the authority granted it in Va. Code § 62.1-44.15(8a) and (8d), orders the Town of Hamilton, and the Town of Hamilton voluntarily agrees that:

1. The Town of Hamilton shall perform the actions described in Appendix A and B of this Order to remedy the violations described above and achieve compliance with the State Water Control Law and Regulations.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of the Town of Hamilton, for good cause shown by the Town of Hamilton, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein and listed above in Section C-2. This Order shall not preclude the Board or the Director from taking any action authorized by law, including: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, the Town of Hamilton admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. The Town of Hamilton consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. The Town of Hamilton declares it has received fair and due process under the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, and the State Water Control Law, and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by the Town of Hamilton to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of

such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. The Town of Hamilton shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. The Town of Hamilton shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The Town of Hamilton shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order.

Such notice shall set forth:

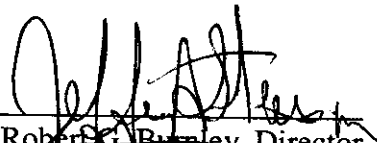
- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within forty-eight (48) hours of learning of any condition above, which the Town of Hamilton intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.


9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. Any plans, reports, schedules, permits, or specification attached hereto or submitted by the Town of Hamilton and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
11. This Order shall become effective upon execution by both the Director or his designee and the Town of Hamilton. Notwithstanding the foregoing, the Town of Hamilton agrees to be bound by any compliance date, which precedes the effective date of this Order.

12. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to the Town of Hamilton. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve the Town of Hamilton from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
13. The undersigned representative of the Town of Hamilton certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind the Town of Hamilton to this document. Any documents submitted pursuant to this Order shall also be submitted by a responsible official of the Town of Hamilton.

And it is so ORDERED this day of 17 MARCH, 2006.


DAVID K. PATTON ~~Robert G. Burnley~~, Director
Department of Environmental Quality


The Town of Hamilton voluntarily agrees to the issuance of this Order.

By: 
Keith Reasoner, Mayor
Town of Hamilton

Date: JAN 17, 2006

Commonwealth of Virginia
~~City~~/County of Loudoun

The foregoing document was signed and acknowledged before me this 17th day of January, 2006, by Keith Reasoner, Mayor of the Town of Hamilton, on behalf of the Town of Hamilton.


Notary Public

My commission expires: 6-30-08

Vadah Barney-McCann
Notary Public
Commonwealth of Virginia
My Commission Expires June 30, 2008

APPENDIX A SCHEDULE OF COMPLIANCE

The Town of Hamilton agrees to:

1. By no later than February 1, 2006, submit to DEQ for review and approval a summary report detailing whether the source reduction and chemical addition corrective actions have enabled the STP's effluent to meet Permit limits for Copper.
2. If the report shows significant improvement, within sixty (60) days submit to DEQ a Preliminary Engineering Report (PER), for review and approval, to modify the STP to include the permanent chemical addition process.
3. Within sixty (60) days of PER approval, submit plans and specifications, for review and approval, for modification of the STP; and
4. Within sixty (60) days of approval of plans and specifications, commence construction.
5. Complete construction and obtain a Certificate to Operate (CTO) the modified STP within sixty (60) days of commencement.
6. Within thirty (30) days of issuance of the CTO, submit an amended Operations and Maintenance (O&M) Manual that incorporates the above referenced chemical addition process.
7. Should the summary report referenced in paragraph 1 show that the interim modifications have not demonstrated that the STP is capable of consistently meeting Permit effluent limitations, the Town shall submit to DEQ by no later than March 1, 2006, a Phase II schedule, for review and approval, for a major upgrade of the STP to comply with Permit effluent limits. This Phase II schedule shall include, but not be limited to: (a) what the nature of the upgrade will be; (b) a timetable to complete the contract documents and put the project out for bidding; (c) what the likely sources of funding will be; and (d) a timetable to complete construction and begin meeting Permit effluent limits. Upon approval, the schedule shall become an enforceable part of this Order.
8. Submit quarterly construction project progress reports to NVRO with the Discharge Monitoring Report (DMR) submission and continue to operate the

STP in accordance with the Operations and Maintenance (O&M) manual and the Sludge Management Plan (SMP) in order to ensure that the STP produces the best quality effluent of which it is capable, and in order to minimize any additional exceedances of Permit effluent limits and impacts to water quality that may occur while the plant is under construction.

APPENDIX B
INTERIM EFFLUENT LIMITATIONS
TOWN OF HAMILTON STP

- A. During the period beginning with the effective date of this Order and lasting until the schedule in Appendix A is completed, in accordance with the timelines outlined therein, the Town of Hamilton shall monitor and limit the discharge from the STP in accordance with VPDES Permit No. VA 0020974, except as specified below. These interim limits shall retroactively apply, if applicable, as of the first day of the month in which this Order becomes effective. These requirements shall be construed in light of the Board's Permit Regulation.

PARAMETER	DISCHARGE LIMITATIONS		
	Monthly Average	Weekly Average	Minimum Maximum

Total Recoverable Copper (µg/L)

NL

NL

N/A

N/A = Not applicable.

NL = No limit; Monitor and reporting required